NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. CLIFTON P. GARDNER, Defendant-Appellant.	No. 02-10152 D.C. No. CR-01-00141-HDM MEMORANDUM* (Filed Nov. 22, 2002)

Appeal from the United States District Court
for the District of Nevada
Howard D. McKibben, District Judge, Presiding

Submitted November 18, 2002**

Before: REINHARDT, RYMER, and SILVERMAN, Circuit Judges.

Clifton P. Gardner appeals pro se his conviction following a bench trial, for not removing unauthorized livestock from national forest land when requested to do so by a forest officer, in violation of 16 U.S.C. § 551 and 36 C.F.R. § 261.7(b). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review issues of law de novo, *United*

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

States v. Boyd, 214 F.3d 1052, 1054 (9th Cir. 2000), and we affirm.

Gardner's contention that he was not lawfully summoned lacks merit because Gardner committed a petty offense for which a violation notice is sufficient. *See Boyd*, 214 F.3d at 1057; Fed. R. Crim. P. 58(b)(1); 16 U.S.C. § 551 and 36 C.F.R. § 261.7(b).

Further, Gardner provides no support for his contentions that the district court acted as a legislative court and violated his constitutional rights.

AFFIRMED.